

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of  
Inventor(s): Mills

Group Art Unit: 1745

App'n Ser. No.: 09/008,947

Examiner(s): Kalafut *for*  
*the Secret Committee*

Filing Date: 01/20/1998

Title: HYDRIDE BATTERY AND FUEL CELL

\* \* \* \*

January 17, 2006

**RESPONSE TO FINAL OFFICE ACTION MAILED JULY 18, 2005 AND  
NOTICE OF APPEAL**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant files this in response to the Final Office Action mailed July 18, 2005. Please also consider this paper as a Petition for a three-month extension of time and a Notice of Appeal.

Claims 1, 2, 4-6 and 10-59 are pending in the application.

Submitted with this response is new, non-cumulative scientific evidence further demonstrating the existence of lower energy states of hydrogen in a number of different ways, including, but not limited to, studies of spectroscopic lines, energy output, compositions of matter, generated plasmas, and inverted hydrogen populations. As detailed below, Applicant also identifies independent third-party data pursuant to the PTO's agreement, which evidence resulted in verbal confirmation by Examiner Wayne Langel that two BlackLight applications formally handled by him were allowable before he was told to misrepresent that fact and, thus, was forced to resign from examining those cases "for moral and ethical reasons."

As further revealed by Examiner Langel, and confirmed by two other Examiners, "allowance is not an option" in any pending BlackLight application according to official